1. [Amended] A stable non-aqueous single phase biocompatable viscous vehicle comprising two components selected from the group consisting of solvent, surfactant, and polymer, wherein the two components are not of the same type, said vehicle being capable of suspending beneficial agents and homogeneously dispensing said beneficial agent over an extended period of time at body temperature and at low flow rates.

3. [Amended] [The vehicle of claim 1] A stable non-aqueous single phase biocompatable viscous vehicle comprising at least two components selected from the group consisting of solvent, surfactant, and polymer, wherein the components are not of the same type, said vehicle being capable of suspending beneficial agents and homogeneously dispensing said beneficial agent over an extended period of time at body temperature and at low flow rates.

4. [Amended [The vehicle of claim 1] A stable non-aqueous single phase biocompatable viscous vehicle which comprises three components selected from the group consisting of solvent, surfactant, and polymer, wherein the components are not of the same type, said vehicle being capable of suspending beneficial agents and homogeneously dispensing said beneficial agent over an extended period of time at body temperature and at low flow rates.

5. [Amended] The vehicle of claim [2] 1, 3 or 4 wherein said solvent is selected from the group carboxylic acid esters, polyhydric alcohols, polymers of polyhydric alcohols, fatty acids, oils, propylene carbonate, lauryl alcohol, and esters of polyhydric alcohols.

6. [Amended] The vehicle of claim [2] 1, 3, or 4 wherein said surfactant is selected from the group esters of polyhydric alcohols, ethoxylated castor oil, polysorbates, esters or ethers of saturated alcohols, and polyoxyethylenepolyoxypropylene block copolymers.

7. [Amended] The vehicle of claim [2] 1, 3, or 4 wherein said polymer is selected from the group polyesters, pyrrolidones, esters or ethers of unsaturated alcohols, and polyoxyethylenepolyoxypropylene block copolymers.

8. [Amended] The vehicle of claim [2] 1 wherein the ratios of the components are in the range of 40:60 to 60:40.

15. [Amended] The vehicle of claim 1, 3, or 4 which comprises an antioxidant.

17. [Amended] A stable non-aqueous viscous protein formulation comprising

a) at least one beneficial agent, and

b) a non-aqueous single phase biocompatible viscous vehicle comprising two components selected from the group consisting of solvent, surfactant, and polymer, wherein the two components are not of the same type, which formulation is capable of being uniformly dispensed over an extended period of time at a low flow rate.

18. [Amended] A non-aqueous formulation comprising at least one beneficial agent uniformly suspended in a non-aqueous single phase biocompatible viscous vehicle comprising two components selected from the group consisting of solvent, surfactant, and polymer, wherein the two components are not of the same type, which formulation can be delivered from an implantable drug delivery system such that the exit shear rate of the formulation is between about 1 and 1 x 10^{-7} reciprocal second.

32. [Amended] A method for preparing the stable single phase viscous vehicle of claim 1, 3, or 4 comprising the steps of (1) blending the ingredients at elevated temperature under dry conditions to allow them to liquify, and (2) allowing the liquid from step (1) to cool to room temperature.

33. [Amended] A method for preparing the stable formulation of claim 17, 44, or 45 comprising combining the single phase viscous vehicle and beneficial agent under dry conditions and blending them under vacuum at elevated temperature to uniformly disperse the beneficial agent in the vehicle, and allowing the formulation to cool to room temperature.

Please add new Claims 42, 43, 44, and 45.

42. A stable non-aqueous viscous protein formulation comprising

a) at least one beneficial agent, and

b) a non-aqueous single phase biocompatible viscous vehicle comprising at least two components selected from the group consisting of solvent, surfactant, and polymer, wherein the components are not of the same type , wherein the components are not of the same type, which formulation is capable of being uniformly dispensed over an extended period of time at a low flow rate.

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43. A stable non-aqueous viscous protein formulation comprising

a) at least one beneficial agent, and

b) a non-aqueous single phase biocompatible viscous vehicle which comprises three components selected from the group consisting of solvent, surfactant, and polymer, wherein the components are not of the same type, which formulation is capable of being uniformly dispensed over an extended period of time at a low flow rate.

44. A non-aqueous formulation comprising at least one beneficial agent uniformly suspended in a non-aqueous single phase biocompatible viscous vehicle comprising at least two components selected from the group consisting of solvent, surfactant, and polymer, wherein the components are not of the same type, which formulation can be delivered from an implantable drug delivery

system such that the exit shear rate of the formulation is between about 1 and 1 x 10^{-7} reciprocal second.

45. A non-aqueous formulation comprising at least one beneficial agent uniformly suspended in a non-aqueous single phase biocompatible viscous vehicle which comprises three components selected from the group consisting of solvent, surfactant, and polymer, wherein the components are not of the same type, which formulation can be delivered from an implantable drug delivery system such that the exit shear rate of the formulation is between about 1 and 1 x 10^{-7} reciprocal second.

REMARKS

Claims 1-41 are currently pending in the application.

Claim Amendments

Claims 1, 3, 4, 5, 6, 7, 8, 15, 17, 18, 32, and 33 are being amended in this response. Claims 42, 43, 44, and 45 are being added in this response. Applicants request that these amendments and new claims be entered. Enclosed with this response is a set of the pending claims marked up to show the above amendments. Also enclosed with this response is a clean set of claims showing the above amendments.

Rejection under 35 U.S.C. § 103 (a)

Claims 1-41 have been rejected under 35 U.S.C. § 103 (a) as being unpatentable over *Knepp* et al. and *Roorda*, et al., in view of *Nuwayser*. This rejection is traversed for the following reasons.